

Karma M. Giulianelli (SBN 184175)  
[karma.giulianelli@bartlitbeck.com](mailto:karma.giulianelli@bartlitbeck.com)

**BARTLIT BECK LLP**  
1801 Wewatta St., Suite 1200  
Denver, Colorado 80202  
Telephone: (303) 592-3100

Hae Sung Nam (*pro hac vice*)  
[hnam@kaplanfox.com](mailto:hnam@kaplanfox.com)

**KAPLAN FOX & KILSHEIMER LLP**  
850 Third Avenue  
New York, NY 10022  
Telephone: (212) 687-1980

*Co-Lead Counsel for the Proposed Class in In re  
Google Play Consumer Antitrust Litigation*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY CONSUMER  
ANTITRUST LITIGATION**

**RELATED ACTIONS:**

*Epic Games Inc. v. Google LLC et al.*,  
Case No. 3:20-cv-05671-JD

*In re Google Play Developer Antitrust  
Litigation*, Case No. 3:20-cv-05792-JD

*State of Utah, et. al., v. Google LLC, et. al.*,  
Case No. 3:21-cv-05227-JD

No. 3:20-CV-05761-JD

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE DOCUMENTS  
UNDER SEAL AND NOTICE OF  
LODGING PURSUANT TO CIVIL  
LOCAL RULE 79-5**

Judge: Hon. James Donato

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs submit this administrative motion to file under seal the Consolidated First Amended Class Action Complaint (“FAC”). The basis for the motion is set forth below as to quoted or cited excerpts of documents designated “Highly Confidential” or “Confidential” by Defendant Google, which are referenced in the FAC. Plaintiffs also hereby provide notice of lodging to all parties and their counsel pursuant to Civil Local Rule 79-5(e).

## **I. LEGAL STANDARD**

Historically, courts have recognized a general right to inspect and copy public records and documents, including judicial records and documents. *Nursing Home Pension Fund v. Oracle Corp.*, C01-00988 MJJ, 2007 WL 3232267, at \*1 (N.D. Cal. Nov. 1, 2007). The strong presumption of public access may be overcome if a party presents “compelling reasons supported by specific factual findings, . . . that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). While Plaintiffs take no position on whether the referenced material warrants sealing, Plaintiffs submit this motion and notice of lodging consistent with the parties’ Stipulated Protective Order (“Protective Order”). See Dkt. 34.

## **II. REQUEST TO SEAL AND NOTICE OF LODGING**

### **A. The Materials Sought to be Filed Under Seal**

In accordance with the Protective Order, Dkt. 34, Plaintiffs request that the unredacted version of the FAC be filed under seal initially, as it contains references and quotes from discovery materials that Google has designated “Highly Confidential” or “Confidential.” Plaintiffs do not request indefinite sealing of the FAC but submit this administrative motion in compliance with the Protective Order. The specific portions of the FAC that reference purportedly confidential materials are set out in the Declaration of Karma M. Giulianelli, filed as an exhibit to this motion.

**B. Notice of Lodging Material Designated by Google as Confidential**

Some information from Google’s document production that Google designated “Highly Confidential” or “Confidential” is referenced or quoted in the FAC. As such, Plaintiffs lodge the unredacted FAC under seal and provide notice to Google and its counsel that if it wants the unredacted FAC to remain under seal, they should submit a supporting declaration in accordance with Civil Local Rule 79-5(e). Plaintiffs take no position on the question of whether the redacted information is “privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civ. L.R. 79-5(b). The following document is being lodged under seal:

- The unredacted version of the FAC, containing references to information that Google has designated as “Highly Confidential” or “Confidential.”

Pursuant to Civil Local Rule 79-5, this motion is supported by the accompanying Declaration of Karma M. Giulianelli, which identifies portions of the FAC that reference or quote documents designated as “Highly Confidential” or “Confidential” pursuant to the Protective Order, Dkt. 34, and attaches both the redacted and unredacted versions of the FAC. Also in accordance with Civil Local Rule 79-5(e), Co-Lead Counsel for the Proposed Class will serve copies of this motion and supporting documents on counsel for Google. Plaintiffs further submit a proposed order.

Dated: July 21, 2021

Respectfully submitted,

By: /s/ Karma M. Giulianelli

**BARTLIT BECK LLP**

Karma M. Giulianelli (SBN 184175)  
Glen E. Summers (SBN 176402)  
Jameson R. Jones (*pro hac vice*)  
1801 Wewatta St., Suite 1200  
Denver, CO 80202  
Telephone: (303) 592-3100  
Facsimile: (303) 592-3140  
[karma.giulianelli@bartlitbeck.com](mailto:karma.giulianelli@bartlitbeck.com)  
[glen.summers@bartlitbeck.com](mailto:glen.summers@bartlitbeck.com)  
[jameson.jones@bartlitbeck.com](mailto:jameson.jones@bartlitbeck.com)

John Byars (*pro hac vice*)  
Lee Mason (*pro hac vice*)  
54 W. Hubbard St., Suite 300  
Chicago, IL 60654  
Telephone: (312) 494-4400  
Facsimile: (312) 494-4440  
[john.byars@bartlitbeck.com](mailto:john.byars@bartlitbeck.com)  
[lee.mason@bartlitbeck.com](mailto:lee.mason@bartlitbeck.com)

**KOREIN TILLERY, LLC**

George A. Zels (*pro hac vice*)  
Robert E. Litan (*pro hac vice*)  
Randall Ewing, Jr. (*pro hac vice*)  
Jonathon D. Byrer (*pro hac vice*)  
205 North Michigan, Suite 1950  
Chicago, IL 60601  
Telephone: (312) 641-9750  
Facsimile: (312) 641-9751  
[gzels@koreintillery.com](mailto:gzelcs@koreintillery.com)  
[rlitan@koreintillery.com](mailto:rlitan@koreintillery.com)  
[rewing@koreintillery.com](mailto:rewing@koreintillery.com)  
[jbyrer@koreintillery.com](mailto:jbyrer@koreintillery.com)

Stephen M. Tillery (*pro hac vice*)  
Jamie Boyer (*pro hac vice*)  
Michael E. Klenov (SBN 277028)  
Carol O'Keefe (*pro hac vice*)  
505 North 7th Street, Suite 3600  
St. Louis, MO 63101  
Telephone: (314) 241-4844

By: /s/ Hae Sung Nam

**KAPLAN FOX & KILSHEIMER LLP**

Hae Sung Nam (*pro hac vice*)  
Robert N. Kaplan (*pro hac vice*)  
Frederic S. Fox (*pro hac vice*)  
Donald R. Hall (*pro hac vice*)  
Aaron L. Schwartz (*pro hac vice*)  
850 Third Avenue  
New York, NY 10022  
Telephone: (212) 687-1980  
Facsimile: (212) 687-7715  
[hnam@kaplanfox.com](mailto:hnam@kaplanfox.com)  
[rkaplan@kaplanfox.com](mailto:rkaplan@kaplanfox.com)  
[ffox@kaplanfox.com](mailto:ffox@kaplanfox.com)  
[dhall@kaplanfox.com](mailto:dhall@kaplanfox.com)  
[aschwartz@kaplanfox.com](mailto:aschwartz@kaplanfox.com)

**KAPLAN FOX & KILSHEIMER LLP**

Laurence D. King (SBN 206423)  
Mario M. Choi (SBN 243409)  
1999 Harrison Street, Suite 1560  
Oakland, CA 94612  
Telephone: (415) 772-4700  
Facsimile: (415) 772-4707  
[lking@kaplanfox.com](mailto:lking@kaplanfox.com)  
[mchoi@kaplanfox.com](mailto:mchoi@kaplanfox.com)

**PRITZKER LEVINE, LLP**

Elizabeth C. Pritzker (SBN 146267)  
Bethany Caracuzzo (SBN 190687)  
Caroline Corbitt (SBN 305492)  
1900 Powell Street, Suite 450  
Emeryville, CA 94608  
Telephone: (415) 805-8532  
Facsimile: (415) 366-6110  
[ecp@pritzkerlevine.com](mailto:ecp@pritzkerlevine.com)  
[bc@pritzkerlevine.com](mailto:bc@pritzkerlevine.com)  
[ccc@pritzkerlevine.com](mailto:ccc@pritzkerlevine.com)

Facsimile: (314) 241-3525  
[stillery@koreintillery.com](mailto:stillery@koreintillery.com)  
[jboyer@koreintillery.com](mailto:jboyer@koreintillery.com)  
[mklenov@koreintillery.com](mailto:mklenov@koreintillery.com)  
[cokeefe@koreintillery.com](mailto:cokeefe@koreintillery.com)

**COTCHETT, PITRE & MCCARTHY,  
LLP**

Nanci E. Nishimura (SBN 152621)  
Adam J. Zapala (SBN 245748)  
Elizabeth T. Castillo (SBN 280502)  
Tamarah P. Prevost (SBN 313422)  
Noorjahan Rahman (SBN 330572)  
San Francisco Airport Office Center  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: (650) 697-6000  
Facsimile: (650) 697-0577  
[nnishimura@cpmlegal.com](mailto:nnishimura@cpmlegal.com)  
[azapala@cpmlegal.com](mailto:azapala@cpmlegal.com)  
[ecastillo@cpmlegal.com](mailto:ecastillo@cpmlegal.com)  
[tprevost@cpmlegal.com](mailto:tprevost@cpmlegal.com)  
[nrahman@cpmlegal.com](mailto:nrahman@cpmlegal.com)

**MILBERG PHILLIPS GROSSMAN LLP**

Peggy J. Wedgworth (*pro hac vice*)  
Robert A. Wallner (*pro hac vice*)  
Elizabeth McKenna (*pro hac vice*)  
Blake Yagman (*pro hac vice*)  
Michael Acciavatti (*pro hac vice*)  
100 Garden City Plaza, Suite 500  
Garden City, NY 11530  
Telephone: (212) 594-5300  
Facsimile: (212) 868-1229  
[pwedgworth@milberg.com](mailto:pwedgworth@milberg.com)  
[rwallner@milberg.com](mailto:rwallner@milberg.com)  
[emckenna@milberg.com](mailto:emckenna@milberg.com)  
[byagman@milberg.com](mailto:byagman@milberg.com)  
[macciavatti@milberg.com](mailto:macciavatti@milberg.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was served on July 21, 2021 upon all counsel of record via the Court's electronic notification system.

/s/ Karma M. Giulianelli